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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/745,297	12/20/2000	Ram Kudukoli	5150-52300	6997

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EXAMINER	
SAX, STEVEN PAUL	

ART UNIT	PAPER NUMBER
2174	9

DATE MAILED: 04/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/745,297	KUDUKOLI ET AL.	
	Examiner	Art Unit	
	Steven P Sax	2174	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *26 January 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-81* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-81* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *7*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

1. This application has been examined. The response fuled 1/26/04 has been received.

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

3. Claims 1-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Volk et al (5673401) and Gipalo (6348934).

4. Regarding claim 1, Volk et al show the method for modifying a graphical program including executinga graphical program (Figure 1, 16A-B for example, column 5 lines 40-55), the program receiving functionality information and modifying the graphical program to implement the specified functionality (column 5 lines 30-45, column 6 lines 9-17 and 35-60, column 10 lines 15-38). Volk et al do not specifically show the underlying program generation per se, but do mention effectively modifying and storing the changes without the user being involved in the inner workings of the software (column 10 lines 8-28, Figures 5-6, column 22 lines 10-50). Furthermore, Gipalo shows the program generation program aspect, with underlying code programming for

effectively modifying and storing the changes without the user being involved in the inner workings of the software (column 1 lines 5-67 and column 2 lines 35-65). It would have been obvious to a person with ordinary skill in the art to have this in Volk et al, because it would be a convenient way to effectively modifying and storing the changes without the user being involved in the inner workings of the software.

5. Regarding claim 2, the functionality is changed as shown above. The obviousness to program this is as explained above.

6. Regarding claim 3, the programming in Gipalo is done without user input (column 4 lines 20-40).

7. Regarding claim 4, Volk et al indicate functionality of interconnected nodes (column 22 lines 58-67 and column 23 lines 1-20).

8. Regarding claim 5, the interconnections may be changed (Volk et al column 23 lines 1-20). The obviousness to combine is the same as above.

9. Regarding claim 6, the interconnected nodes are in a block diagram (Volk et al column 23 lines 1-20).

10. Regarding claim 7, the user interface is modified (aforecited in Volk et al).

11. Regarding claim 8, Volk et al show the virtual tool (Figure 5).

12. Regarding claim 9, the program is a graphical program (aforecited Volk et al).

13. Regarding claim 10, the graphical program implements the new functionality (Volk et al column 22 lines 10-32).

14. Regarding claims 11-12, the programming in Gipalo adds and removes graphical source code (column 2 lines 45-60). This is inherent in creating the graphical program and the obviousness is the same as above.

15. Regarding claim 13, a computational process is modified (Volk et al column 24 lines 20-42).

16. Regarding claim 14, an algorithm is modified (Volk et al column 24 lines 20-42, column 23 lines 10-35).

17. Regarding claim 15, a prototype is modified (Volk et al column 24 lines 20-42).

18. Regarding claim 16, a test sequence is modified (Volk et al column 29 lines 30-62).

19. Claim 17 shows the same features as above and is rejected for the same reasons.

20. Regarding claim 18, a plurality of modifications are possible depending on the received information (Volk et al column 22 lines 10-32).

21. Regarding claim 19, an API is called to enable the modifications (Volk et al colum 22 lines 45-58).

22. Regarding claim 20, the graphical program requests over a network to modify the program (column 8 lines 25-50). Gipalo show a server program (Figure 2) as an effective way to modify a program over a network. It would have been obvious to a person with ordinary skill in the art to have this in Volk et al, because it would be an effective way to modify a program over a network.

23. Regarding claim 21, the program in Gipalo is an application instance of the programming environment (JAVA, Figure 2).

24. Regarding claim 22, the client server arrangement is such that an API is present at the client in Gipalo. The obviousness is the same as in paragraph 22 of this Office Action.

25. Regarding claim 23, the client and server are in separate, connected computers (inherent in the network).

26. Regarding claim 24, the functionality is performed during execution (Volk et al column 10 lines 8-28, Figures 5-6, column 22 lines 10-50).

27. Regarding claim 25, Gipalo shows that the graphical program is created prior to receiving the information and modifying (column 2 lines 40-67). The obviousness follows the same as above, which is to minimize the need for the user to know the inner workings of the software.

28. Regarding claim 26, an association is maintained between the graphical program and the received information (Volk et al column 10 lines 8-19).

29. Regarding claim 27, the association allows the program to determine the program's current state (Volk et al column 10 lines 8-28).

30. Regarding claim 28, the program has a lock feature disabling modification (Volk et al column 25 lines 10-40).

31. Claims 30-43, 46-55, 56-64, 65-72, and 73-81 show the same features as claims 1-28 and are rejected for the same reasons. Claims 44-45 show the same features as claim 1 and are rejected for the same reasons. Claim 29 shows features drawn from claims 10, 13-14, and is rejected for the same reasons as those claims.

32. Applicant's arguments filed 1/26/04 have been fully considered but they are not persuasive. Applicants first remark on the motivation to combine Volk et al with Gipalo. But note that effectively modifying and storing changes without the user having to be involved in the deeper programming aspects is mentioned in Volk et al. Gipalo also has this motivation and brings a way to fulfill it – the program generation aspect. This in fact answers applicants' remarks regarding the graphical program: Volk et al do show a graphical program as explained above, but in regard to the actual programming aspects, Examiner does not state this is in Volk et al. Rather, this is fully brought out in Gipalo as the rejection states. The motivation is found in both as explained in this paragraph. Thus, all the graphical 'interface' programming aspects described in Volk et al do in fact fulfill the features brought out in applicants' claims, given that the programming aspect of Gipalo is combined into them, for which the motivation is as given. The program which generates the graphical interface programming is of course necessary to run the application to begin with. Regarding Gipalo, the programming commands do in fact bring out the features as described in applicants' claims. This includes the nodes – if applicants mean anything more, this must be brought out in the claims. Also, note that Examiner does not state that Gipalo shows the entire invention;

rather, it is the combination of Volk et al with Gipalo that renders the rejection. The class hierarchy object definitions do provide additional programming aspects of the interface objects.

33. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

34. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven P Sax whose telephone number is 703-305-9582. The examiner can normally be reached on M-F 8:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on 703-308-0640. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

STEVEN SAX
PRIMARY EXAMINER